

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ERIC WITHERSPOON, :
: Petitioner, :
: v. : Civ. Act. No. 04-1424-JJF
: :
LOIS RUSSO, :
Superintendent/Warden, and :
M. JANE BRADY, :
Attorney General for the State of Delaware, :
: Respondents. :
:

NOTICE OF FILING OF STATE COURT RECORDS

1. Respondent files herewith certified copies of the following Delaware Supreme Court documents in *Eric Witherspoon v. State of Delaware*, No. 460, 1999:¹
 - a. appellant's opening brief and appendix;
 - b. State's answering brief for appellee/cross appellant and appendix;
 - c. appellant's reply brief and answering brief on cross-appeal;
 - d. State's reply brief for appellee/cross-appellant;
 - e. and the Court's orders dated February 14, 2001 and May 22, 2001.

/s/

Thomas E. Brown (ID# 3278)
Deputy Attorney General
Department of Justice
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Wilmington, DE 19801
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Date: May 6, 2005

¹The State plans to file within two weeks the certified records regarding the post-conviction appeal, *Eric Witherspoon v. State*, No. 113, 2003. The clerk of the court in Dover had not retrieved the file, and thus prosecutors must reschedule an appointment to copy and have certified the records in that case.

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on May 6, 2005 he caused to be electronically filed a Notice of Filing of Certified State Court Records with the Clerk of the Court using CM/ECF and thereafter caused to be hand delivered paper copies of the records listed therein with the Clerk's Office. I hereby certify that on May 6, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document (and the records listed therein) to the following non-registered participant, the petitioner:

Eric Witherspoon (No. 888967)
Souza Baranowski Corr. Ctr.
Post Office Box 8000
Shirley, MA 01464.

/s/

Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: May 6, 2005